UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD MELTON, et al.,	)	**Consolidated Case No. C-1-01-528**
Plaintiffs,	:)	**(Judge Spiegel)**
	:	**(Magistrate Judge Sherman)**
-v-	)	
BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO, et al.,	:) :)	
Defendants.	:)	

DEFENDANT ROBERT PFALZGRAF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFFS

Defendant, Robert Pfalzgraf ("Defendant") propounds the following First Set of Interrogatories and Requests for Production of Documents to Plaintiffs, to be answered separately and fully under oath, pursuant to the provisions of Rules 33 and 34 of the Federal Rules of Civil Procedure within thirty (30) days of the service hereof.

DEFINITIONS

For purposes of these Interrogatories and Document Requests only, please use the following definitions:

A. "Plaintiffs", "You" or "Your" shall mean Ronald Melton, Clara Poland, Debbie McCullom, Sue Goodman, Chester Melton, Glenna Royce, Clayton Melton, Brenda Martin and Terry Melton.

B. "Defendant" shall mean Robert Pfalzgraf.

C. "Complaint" shall mean the Second Amended Complaint for Damages and Declaratory Judgment filed by Plaintiffs in the United States District Court for the Southern

EXHIBIT

A

District of Ohio in the case styled *Melton, et al. v. Board of County Commissioners of Hamilton County, Ohio, et al.*, Case No. C-1-01-528.

D. "Statement" shall include written statements, statements stored in electronic form such as e-mail or on computer disk or drive, and oral statements reduced to writing or in any way recorded, even if not transcribed.

E. The word "Document" shall have the broad meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure and shall include, but is not limited to, the original and all copies (regardless of origin and whether or not including additional writing thereon or attached thereto) of memoranda, reports, books, manuals, instructions, financial statements or reports, price books, records, notes, letters, notices, confirmations, telegrams, receipts, pamphlets, magazines, newspapers, inventory books, prospectuses, inter-office and intra-office communications (including e-mail), contracts, cables, notations or memoranda of any sort of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, reviews, opinions, offers, studies and investigation questionnaires and surveys, worksheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes and amendments of any of the foregoing), graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures, electronic and mechanical records) or representation of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer printouts) and other written, printed, typed or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, phonorecord, film, tape, computer drive or disk, or videotape.

F. "Accounting Record" shall mean all books, records, memoranda, ledgers, accounts, journals, invoices, work papers and all other Documents relating to or underlying the Financial Statements of any Person.

G. "Financial Statement" shall include, but is not limited to, any and all periodic (i.e. monthly, quarterly and/or annual) balance sheets, statements of income and retained earnings, statements of changes in financial position, statements of cash provided by operations, and statements of cash flow, including, but not limited to, notes to the statements, supporting schedules, and statements attached thereto.

H. "Original" has the meaning given to in Rule 1001 (3) of the Federal Rules of Evidence.

I. "Duplicate" has the meaning given to it in Rule 1001(4) of the Federal Rules of Evidence.

J.. The words "Communication" or "Communicate" mean each and every disclosure, transfer or exchange of information, whether oral or in writing, and whether in person, by telephone, by mail or otherwise, including, but not limited to, discussions, meetings, statements, negotiations, inquiries, requests, notices, responses, demands or complaints.

K. The words "relating to" (or any form of the word "relate") shall mean, without limitation, any communication, writing or record which implicitly or explicitly refers to, relates to, concerns, reflects, embodies or in any manner describes the subject matter of the information or Document requested.

L. The term "files" shall include both files maintained by the Person identified in the request or by his or her secretary and all files within which are filed or maintained the Documents that he has produced or received that relate to the particular request at issue.

M. "Person" or "Persons" shall include natural persons, corporations, companies, partnerships, limited partnerships, firms, proprietorships, joint ventures, and any other type of legal or governmental entity.

N. The term "and" has the meaning "and/or".

O. The word "Identify" or "Identity" when used with respect to a person or persons means:

a. to state the name, address(es) and telephone numbers of each such person;

b. to state the name of the present employer, place of employment or business, and job title of such person; and

c. if such person was affiliated by employment or otherwise, at any time with or related in any matter to, any party to this litigation, to state the nature and dates of such affiliation.

P. The word "Identify" or "Identity" when used with respect to Document(s) means:

a. to specify the nature of the Document (e.g., letter, memorandum, etc.);

b. to state the date appearing on the Document, or if no date appears, the date upon which such Document was prepared;

c. to describe in general the subject matter of the Document;

d. to identify each person who wrote, signed, dictated or otherwise participated in the preparation of the Document.

e. to identify each person who was an address thereof;

f. if it now exists, to identify each person having custody of the Document and its present location;

g. if it does not now exist, to state the disposition which was made of it;

h. to state any other information necessary or helpful to enable the custodian to locate the particular Document and/or information necessary or helpful for use in a request for the production of Documents pursuant to Rule 34 of the Federal Rules of Civil Procedure or in a subpoena duces tecum; and

i. in lieu of identifying a Document or writing, You may produce a clear, complete and legible copy thereof, front and back, and annex it to Your answers to the interrogatories.

Q. The word "Identify" or "Identity" when used with respect to oral communication means:

a. to state the date, place, time and mode of such communications;

b. to identify each person participating therein and each person who was present;

c. to state its nature, subject matter and substance and state what was said by each person participating in the course of such communication, if known or recalled by You;

d. to identify in accordance with the immediately preceding paragraph above, each and every Document or writing to which refers, concerns, pertains, embodies or relates thereto or which was prepared in anticipation or as a consequence of the oral communication.

INSTRUCTIONS

A. If any Document requested herein was formerly in the possession, custody or control of Plaintiffs and has been lost or destroyed, Plaintiffs are requested to submit in lieu of each such Document a written statement which:

i. Describes in detail the nature of the Document and its contents;

ii. Identifies the Person who prepared the Document and, if applicable, the Person to whom the Document was sent;

iii. Specifies the date on which the Document was prepared or transmitted; and

iv. Specifies, if possible, the date on which the Document was lost or destroyed, and if destroyed, the conditions of and reasons for such destruction and the Person requesting and performing the destruction.

B. Whenever an Interrogatory or Request calls for information with respect to each one of a particular type of matter of which more than one exists, separately list, set forth or identify each instance of the matter referred to therein and provide for each instance all of the information as to each said matter called for immediately thereunder.

C. Should Your answer to any Interrogatory have reference to any Document annexed by You as a part thereof or in lieu of Your answer to any Interrogatory, specify such Document and the particular page and paragraph(s) to which Your answer refers.

D. Where an Interrogatory requests the identity of a Document or writing, this comprehends such Documents and writing even though they are within the custody, possession and control of Defendants and their agents, including, but not limited to, Defendants' counsel, advisors and/or experts.

E. If You know of any communication or information but cannot give, either in whole or in part, the specific information called for by a particular Interrogatory to the extent required, give the best information which You have on the subject.

F. Whenever Your answer or any part thereof is based upon information or belief, identify the source and basis of Your information or belief.

G. Reference to the singular shall include the plural and vice versa, and the words "and" and "or" shall in each case be construed to bring within the scope of any Documents all Documents which might otherwise technically be construed to be without its scope.

H. If an objection is made to any portion of any Interrogatory or Request, You are instructed to state with specificity the objection and legal basis for such objection with citations to appropriate legal foundations for such objections and are further instructed to answer all remaining portion(s) of the Interrogatory to which an objection is not asserted.

I. You are under a continuing duty to seasonably supplement Your answers and responses with respect to any Interrogatory or Request directly addressed to the identity and location of the persons having knowledge of discoverable matter, the identity and locations of persons expected to be called as witnesses in trial, and the subject matter on which they are expected to testify and to correct any response which You know or later learn is not correct.

J. If any Document or information is withheld under the claim of privilege, furnish a list identifying all such information and each Document for which the privilege is claimed, together with the following information: its date, author, sender and recipient; persons to whom copies were furnished, together with such persons' job titles; the subject matter(s) of the Documents; the basis on which the asserted privilege is claimed; and the interrogatory in which the information or Document is requested.

i. If any claim is made that any Document requested herein is privileged or constitutes attorneys' work product and production of any such Document is refused, it is requested that in lieu of each such Document a written statement be submitted which:

ii. Identifies the Person who prepared the Document and, if applicable, the Person to whom the Document was sent;

iii. Specifies the date on which the Document was prepared or transmitted;

iv. Identifies the subject matter of the Document;

v. Describes the nature of the Document (e.g., letter, telegram, notice, etc.);

vi. States briefly why the Document is privileged or constitutes work product. Sufficient detail of the privilege should be provided, however, enabling the Court to rule on the appropriateness of the claimed privilege.

K. A request to produce a Document is a request to produce both the Original of that Document and every Duplicate of that Document that in any manner differs from, or contains material in addition to, the Original.

L. Each numbered request for Documents should be considered separately. Thus, any overlapping among the requests does not restrict or limit the meaning of any other request.

M. Space for Your answers has been provided beneath each Interrogatory; should there not be sufficient space to complete Your answer You may complete it in sequence on a separate appendix attached to the answers and identified appropriately.

INTERROGATORIES

1. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Ronald Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

2. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Clara Poland has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

3. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Debbie McCullom has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

4. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Sue Goodman has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

5. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Chester Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

6. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Glenna Royce has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

7. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Clayton Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

8. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Brenda Martin has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

9. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Plaintiff Terry Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

10. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Condon was "an invitee and/or agent and/or contractee" of Defendant Pfalzgraf, as stated in Paragraph 22 of the Complaint.

ANSWER:

11. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that defendant Condon had the permission of Defendant Pfalzgraf to be on the premises of the Hamilton County Coroner's Office and/or Morgue, as stated in Paragraph 22 of the Complaint.

ANSWER:

12. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf "acted negligently, and/or carelessly, and/or recklessly, and/or maliciously, and/or with willful, wanton, reckless and conscious disregard for the rights of Plaintiffs," as stated in Paragraph 44 of the Complaint.

ANSWER:

13. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf "improperly granted Defendant Condon access to the body of Perry Melton and/or the official file, including but not limited to photographs, of the decedent, Perry Melton," as stated in Paragraph 44(a) of the Complaint.

ANSWER:

14. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf "provided photographs of the decedent and/or permitted Defendant Condon to touch and/or manipulate and/or pose and/or photograph the body of Perry Melton," as stated in Paragraph 44(b) of the Complaint.

ANSWER:

15. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf "improperly disclosed nonpublic medical information concerning the decedent without proper authorization," as stated in Paragraph 44(f) of the Complaint.

ANSWER:

16. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf "abused the corpse of the decedent," as stated in Paragraph 44(g) of the Complaint.

ANSWER:

17. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf "aided and abetted in the abuse of the corpse of the decedent," as stated in Paragraph 44(h) of the Complaint.

ANSWER:

18. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf authorized, ratified, participated in the alleged act and/or omissions of defendant Parrott, defendant Tobias, and/or defendant Condon, as stated in Paragraph 44(i) of the Complaint.

ANSWER:

19. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf engaged in wrongful conduct that was undertaken with "malicious purpose in bad faith and/or in reckless, willful, wanton and conscious disregard of the rights" of Plaintiffs, as stated in Paragraph 46 of the Complaint.

ANSWER:

20. State all facts, and identify all witnesses, upon which and/or whom You rely to support Your allegation that Defendant Pfalzgraf intentionally permitted the body and/or photographs of the body of the decedent to be used by defendant Condon for offensive and grotesque purposes, as stated in Paragraph 95 of the Complaint.

ANSWER:

DOCUMENT REQUESTS

1. Produce any and all documents which support Your allegation that Plaintiff Ronald Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

2. Produce any and all documents which support Your allegation that Plaintiff Clara Poland has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

3. Produce any and all documents which support Your allegation that Plaintiff Debbie McCullom has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

4. Produce any and all documents which support Your allegation that Plaintiff Sue Goodman has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

5. Produce any and all documents which support Your allegation that Plaintiff Chester Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

6. Produce any and all documents which support Your allegation that Plaintiff Glenna Royce has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

7. Produce any and all documents which support Your allegation that Plaintiff Clayton Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

8. Produce any and all documents which support Your allegation that Plaintiff Brenda Martin has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

9. Produce any and all documents which support Your allegation that Plaintiff Terry Melton has "sustained severe emotional distress, has been permanently injured, and has and/or will require medical treatment, including but not limited to psychological treatment, into the future," as stated in Paragraph 29 of the Complaint.

ANSWER:

10. Produce any and all documents which support Your allegation that Defendant Condon was "an invitee and/or agent and/or contractee" of Defendant Pfalzgraf, as stated in Paragraph 22 of the Complaint.

ANSWER:

11. Produce any and all documents which support Your allegation that defendant Condon had the permission of Defendant Pfalzgraf to be on the premises of the Hamilton County Coroner's Office and/or Morgue, as stated in Paragraph 22 of the Complaint.

ANSWER:

12. Produce any and all documents which support Your allegation that Defendant Pfalzgraf "acted negligently, and/or carelessly, and/or recklessly, and/or maliciously, and/or with willful, wanton, reckless and conscious disregard for the rights of Plaintiffs," as stated in Paragraph 44 of the Complaint.

ANSWER:

13. Produce any and all documents which support Your allegation that Defendant Pfalzgraf "improperly granted Defendant Condon access to the body of Perry Melton and/or the official file, including but not limited to photographs, of the decedent, Perry Melton," as stated in Paragraph 44(a) of the Complaint.

ANSWER:

14. Produce any and all documents which support Your allegation that Defendant Pfalzgraf "provided photographs of the decedent and/or permitted Defendant Condon to touch and/or manipulate and/or pose and/or photograph the body of Perry Melton," as stated in Paragraph 44(b) of the Complaint.

ANSWER:

15. Produce any and all documents which support Your allegation that Defendant Pfalzgraf "improperly disclosed nonpublic medical information concerning the decedent without proper authorization," as stated in Paragraph 44(f) of the Complaint.

ANSWER:

16. Produce any and all documents which support Your allegation that Defendant Pfalzgraf "abused the corpse of the decedent," as stated in Paragraph 44(g) of the Complaint.

ANSWER:

17. Produce any and all documents which support Your allegation that Defendant Pfalzgraf "aided and abetted in the abuse of the corpse of the decedent," as stated in Paragraph 44(h) of the Complaint.

ANSWER:

18. Produce any and all documents which support Your allegation that Defendant Pfalzgraf authorized, ratified, participated in the alleged act and/or omissions of defendant Parrott, defendant Tobias, and/or defendant Condon, as stated in Paragraph 44(i) of the Complaint.

ANSWER:

19. Produce any and all documents which support Your allegation that Defendant Pfalzgraf engaged in wrongful conduct that was undertaken with "malicious purpose in bad faith and/or in reckless, willful, wanton and conscious disregard of the rights" of Plaintiffs, as stated in Paragraph 46 of the Complaint.

ANSWER:

20. Produce any and all documents which support Your allegation that Defendant Pfalzgraf intentionally permitted the body and/or photographs of the body of the decedent to be used by defendant Condon for offensive and grotesque purposes, as stated in Paragraph 95 of the Complaint.

ANSWER:

Respectfully submitted,

Louis F. Gilligan (0021805)
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One East Fourth Street
Cincinnati, Ohio 45202
(513) 579-6400
Attorneys for Defendants,
TOM NEYER, JR., JOHN S. DOWLIN and TODD PORTUNE, individually and on behalf of HAMILTON COUNTY, OHIO in their capacity as official representatives of the County

OF COUNSEL:

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One East Fourth Street
Cincinnati, Ohio 45202
(513) 579-6400

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon David W. Kapor, 36 East Seventh Street, Suite 1520, Cincinnati, Ohio 45202; Michael B. Ganson, 36 East Seventh Street, Suite 1540, Cincinnati, Ohio 45202; Stephen J. Patsfall, Patsfall Yeager & Pflum LLC, Suite 2100, One West Fourth Street, Cincinnati, Ohio 45202; Joseph T. Mordino, Faulkner & Tepe, LLP, 2200 Fourth & Vine Tower, 5 West Fourth Street, Cincinnati, Ohio 45202; and Larry E. Barbiere, Schroeder, Maundrell, Barbiere & Powers, 11935 Mason Road, Suite 100, Cincinnati, Ohio 45249; by ordinary U.S. mail, this 7th day of November, 2002.

Jamie M. Ramsey

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